
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEITH FETSURKA, et al.,	:	
	:	
Plaintiffs	:	Case No. - 2:20-cv-05857
	:	
v.	:	
	:	
DANIELLE OUTLAW, et al.,	:	
	:	
Defendants	:	

DECLARATION OF TIMOTHY SIECK

I, Timothy Sieck, am competent to state and declare the following based on my personal knowledge:

1. I, Timothy Sieck:
 - a. Am a United States citizen;
 - b. Am over the age of twenty-one (21);
 - c. Am not under indictment;
 - d. Have never been convicted of a felony or misdemeanor crime of domestic violence;
 - e. Have never been convicted of a crime punishable by more than one (1) year;
 - f. Am not a fugitive from justice;
 - g. Am not an unlawful user of, or addicted to, any controlled substance;

- h. Have not been adjudicated a mental defective or been committed to a mental institution;
 - i. Have not been discharged from the Armed Forces under dishonorable conditions;
 - j. Have never renounced my citizenship; and,
 - k. Am not the subject of a restraining order relating to an intimate partner.
- 2. I have never been charged with nor convicted of any misdemeanor or felony offense.
- 3. I am not prohibited from possessing firearms and ammunition under federal or state laws.
- 4. I am not prohibited from receiving a license to carry a firearm (“LTCF”) under 18 Pa.C.S. § 6109(e).
- 5. I am not disqualified from exercising my right to keep and bear arms.
- 6. For all of these reasons, if I were subjected to a background check for the purpose of acquiring a LTCF, such as the Pennsylvania State Police’s E-PICS system, online at <https://epics.pa.gov/Pics>, I would pass and be reported as eligible to receive a LTCF under 18 Pa.C.S. § 6109.
- 7. I am currently a resident of Philadelphia County, Pennsylvania.
- 8. I lawfully own and possess firearms, including handguns.

9. My fundamental right to keep and bear arms includes the right to carry loaded, operable handguns on my person in public for all lawful purposes, including immediate self-defense and in case of confrontation.
10. I wish and intend to exercise my right to carry loaded firearms in public for self-defense and other lawful purposes.
11. I am not exempt from the Commonwealth's criminal laws banning the carry of firearms generally, in Philadelphia specifically, and during states of emergency.
12. I am not exempt from the City of Philadelphia's criminal laws banning the carry of firearms generally, and within 100 feet of schools.
13. I am aware that there are many schools in the City of Philadelphia, and I cannot avoid being within 100 feet of one during the normal course of my travels to and from my employer, as well as other locations I have and will in the near future be required to travel to and from.
14. Especially because of the recent civil unrest, violent protests, riots, and looting in the City of Philadelphia, I have become particularly concerned about my safety, especially when I am outside of my home in public places or traveling in motor vehicles.
15. I am employed by a brewery in Philadelphia and considered to be an "essential employee".

16. Because of my work, I must leave my home and travel to and from my place of work.
17. I must also leave my home for other reasons beyond work, such as acquiring groceries and personal items, fuel, and other lawful reasons.
18. During these recent acts of public violence and domestic terrorism, I became aware that the Target store located immediately adjacent to my place of employment has been looted and violently destroyed not just once, but twice, by violent rioters.
19. I am aware that Philadelphia's Gun Permit Unit ("GPU"), the division responsible for accepting and processing LTCF applications, closed sometime in March 2020.
20. My understanding now is that the GPU was closed for approximately four months and five days, reopening sometime in late July.
21. It is also my understanding that the GPU suffers from an enormous backlog of scheduled appointments, with individuals being given appointment dates in late 2021 to merely submit an application for a LTCF.
22. Even beyond their GPU closure and severe appointment delays, the Philadelphia Defendants impose upon me, and other LTCF applicants, requirements that subject me to a needlessly complicated, burdensome, lengthy, and costly application process.

23. I could, and would if it were possible, submit my completed LTCF application to the GPU through an online system, Internet form, email, or text message, such as those the Philadelphia Defendants use for other services, or even U.S. Mail or courier were it necessary.
24. I could, and would if it were possible, use E-PICS to submit and complete my background check likely within a matter of minutes for the purpose of acquiring a LTCF.
25. It is my understanding that the Philadelphia Defendants could but do not provide any alternative means of applying for, processing, and issuing LTCF licenses.
26. It is my understanding that the Philadelphia Defendants choose paper-based and in-person LTCF application and issuance processes, and are currently choosing to completely close their GPU, in spite of other more efficient systems allowing for online applications, such as the Permitium PermitDirector online system used by many other licensing authorities.
27. It is my understanding of Pennsylvania law that 18 Pa.C.S. § 6106 prohibits me from carrying a concealed firearm for self-defense absent being issued a LTCF by the Philadelphia Defendants under 18 Pa.C.S. § 6109.
28. It is my understanding of Pennsylvania law that, due to Governor Wolf's proclamations of emergency, 18 Pa.C.S. § 6107 makes it unlawful to carry a

firearm upon the public streets or upon any public property absent being issued a LTCF by the Philadelphia Defendants under 18 Pa.C.S. § 6109.

29. It is my understanding of Pennsylvania law that 18 Pa.C.S. § 6108 prohibits me and other law-abiding citizens like me from carrying any firearm, including a rifle or shotgun, upon the public streets or public property in Philadelphia unless I have been issued a LTCF by the Philadelphia Defendants under 18 Pa.C.S. § 6109.
30. It is my understanding of the City of Philadelphia's laws that I am prohibited from carrying any firearm in public and within 100 feet of schools unless I have been issued a LTCF by the Philadelphia Defendants under 18 Pa.C.S. § 6109.
31. As such, I intend and desire to acquire a LTCF from Philadelphia's GPU, however, believe that it is futile to attempt to do so, as the GPU is not scheduling appointments in a timely manner that would allow me to even apply for a LTCF this year.
32. I am aware that the law prevents me from applying for a LTCF in any other county in which I am not a resident, despite the fact that many of them remain open and operational for, among other things, LTCF licensing purposes.

33. Further, I am aware that many Pennsylvania county sheriffs, such as those for the counties of Schuylkill, Berks, Blair, Bucks, Cambria, Monroe, Montgomery, Pike, and Wayne have implemented and are using common online systems to allow individuals to apply for a LTCF completely over the Internet, negating the need for a person to appear in person to apply.
34. Because of Defendants' laws, policies, and enforcement practices, I have been and remain disarmed in public, prevented from exercising my right to bear arms by carrying a loaded, operable firearm for all lawful purposes including self-defense without risk of criminal prosecution for violations of 18 Pa.C.S. §§ 6106, 6107, and/or 6108, as well as the City of Philadelphia's Code §§ 10-818(2) (criminalizing carry in the City) and 10-833(2) (additionally criminalizing carry within 100 feet of schools).
35. My understanding is that the Pennsylvania State Police and the Philadelphia Police Department have and currently are enforcing these laws which make it a crime for me to carry a loaded, operable handgun in public for self-defense without a LTCF that can only be issued to me by the Philadelphia Defendants.
36. I have been advised and am aware that if I am convicted for a crime of carrying a firearm without a LTCF, under Pennsylvania law, the crime is

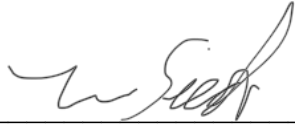
graded as a misdemeanor of the first degree and punishable by up to five years imprisonment.

37. I have been advised and am aware that if I am convicted of a misdemeanor of the first degree for a violation of 18 Pa.C.S. §§ 6106, 6107, or 6108, it will trigger the federal prohibition found in 18 U.S.C. § 922(g)(1), which would result in a lifetime ban on the exercise of my Second Amendment right to keep and bear arms and ammunition.
38. I wish and intend to carry a loaded, operable handgun on my person, in public and in motor vehicles, for the purpose of immediate self-defense and other lawful purposes. But I have so far abstained from such constitutionally protected conduct because I fear that the Defendants will enforce their laws and policies on me, including by arrest, prosecution, incarceration, a fine, and a lifetime ban on keeping and bearing arms.
39. Unless either: A) Defendants' enforcement of 18 Pa.C.S. §§ 6106, 6107, and 6108, Philadelphia Code §§ 10-818(2) and 10-833(2) (with respect to carry within 100 feet of a school), Philadelphia Police Department Directive 5.27, and their related policies and practices are enjoined; or B) enforcement of Philadelphia Defendants' laws, policies, and practices preventing me from applying for and being issued a LTCF, and Philadelphia Defendants are ordered to issue me a LTCF, I have and will continue to suffer irreparable

harm and the denial of my constitutionally guaranteed fundamental right to bear arms.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my information, knowledge and belief.

Date: November 23, 2020



Timothy Sieck